

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)	
)	
)	No. 1:04-CR-111
v.)	
)	Judge Curtis L. Collier
)	
ROBERT BYNUM)	

ORDER

Defendant has filed a Motion to Determine Mental Competency (Court File No. 48) which the Court referred to United States Magistrate Judge Susan K. Lee to conduct an evidentiary hearing and make a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). The magistrate judge has filed a report and recommendation (Court File No. 82). Neither party filed objections within the given ten days.

After reviewing the record and the applicable law, the Court agrees with the magistrate judge's findings of fact and conclusions of law. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(C) and hereby **ORDERS** the following:

- (1) The Defendant is committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d).
- (2) The Attorney General shall hospitalize the Defendant for treatment in a suitable facility:
 - A. For a reasonable period of time not to exceed four (4) months as is deemed necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit him to stand trial, and

- B. For an additional reasonable period of time until:
1. Defendant's mental condition is so improved that the trial may proceed if the Court finds there is a substantial probability that within such an additional period of time she will attain the capacity to permit the trial to proceed, or
 2. The pending charges against the Defendant are disposed of according to law, whichever is earlier.
- (3) The Defendant shall report as directed by the United States Marshals Service to be taken into custody for transportation to the designated facility.
- (4) The Defendant shall be transported by the United States Marshals Service to the designated facility and the United States Marshals Service shall notify the Court upon the Defendant's return.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE